



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 07/18/00

AGENDA ITEM 3

WORK SESSION ITEM

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: An Ordinance of the City Council of the City of Hayward Amending Chapter 5, Article 4 of the Hayward Municipal Code Relating to Well Standards

RECOMMENDATION:

Adopt an Ordinance introduced by Council Member Dowling at a meeting of the Hayward City Council on July 11, 2000.


BACKGROUND:

The ordinance was introduced with the following vote:

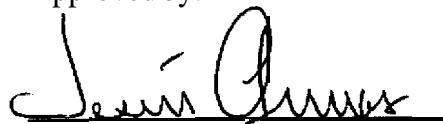
AYES: Council Members : Jimenez, Hilson, Rodriquez, Ward, Dowling, **Henson**
Mayor : Cooper
NOES: Council Members: None
ABSENT: Council Members: None

The ordinance was published in the Hayward Daily Review on July 15, 2000. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:


Jesús Armas, City Manager

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD AMENDING
CHAPTER 5 ARTICLE 4 OF THE HAYWARD MUNICIPAL CODE RELATING TO
WELL STANDARDS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section One: The title of Section **5-4.52** of the Hayward Municipal Code is hereby amended to read:

“SEC. 5-4.52 WELL WATER REPLENISHMENT CHARGES APPLICABLE TO THE
AREA DETACHED IN 1973. ”

Section Two: Section 5-4.53 is hereby added to the Hayward Municipal Code to read:

“SEC. 5-4.53 WELL WATER REPLENISHMENT CHARGES APPLICABLE TO THE
AREA DETACHED IN 2000. Pursuant to the conditions imposed by **LAFCO’s** resolution 99-08 approving the detachment of the “Oliver East” property (hereafter described in Appendix **“A”**), and after the detachment of the Oliver East property **from** the Alameda County Water District (“District”), the City of Hayward shall impose the following charges for the benefit of the District upon any owner of land within the detached area whenever a well is constructed or operated by any person or organization except on agency of the United States, the State of California, a municipal corporation, or other local government agency:

- (a) Well Connection Fee. At the time a well is constructed or placed **in** operation, a Well Connection Fee equivalent to the taxes that would have been received by the District **from** the parcel of land on which said well is constructed or operated if the land had not been detached. The Well Connection Fee may be imposed for the years since detachment up to a maximum of ten (10) years.
- (b) Facilities Acreage Charge. A Facilities Acreage Charge based on the area served by the well in an amount equivalent to that which would be applicable to a similar well located within the District.
- (c) Well User’s Charge. The City shall continue to impose, subject to compliance with applicable provisions of law, a Well User’s Charge equivalent to both of the following:

- (i) Any replenishment assessment (commonly known as a pump tax) in the same amount as the assessment imposed by the District on wells located within the District's boundaries at the rate for uses other than municipal recreation or agriculture. This charge shall apply to all wells, including those constructed and operated by a governmental agency and shall continue as long as such wells are being operated; and
- (ii) The District property tax which would have been applicable to such parcel of land on which the operating well is located if such land had remained within the District's jurisdiction. This charge shall continue until such time as the well is abandoned or sealed."

Section 3: Section 5-4.54 is hereby added to the Hayward Municipal Code to read as follows:

"SEC. 5-4.54 CONSTRUCTION, OPERATION, OR DESTRUCTION OF WELLS. No well shall be constructed, operated, or destroyed within any detached area without the prior approval of the District. Subsequent to the adoption of this section, all tentative maps and/or **subdivisions** approved for property located in the detached area shall contain a condition that requires prior approval of the District before constructing, operating, or destroying a well in the detached area."

Introduced at a regular meeting of the Hayward City Council held July 11, 2000, the **above-**entitled ordinance was introduced by Council Member Dowling.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on July 18, **2000**, at **8:00** p.m., in the Council Chambers, 777 B Street, Hayward, California. Copies of the full text of this ordinance are available for examination by the public in the Office of the City Clerk, 777 B Street, Hayward Public Main Library, 835 "C" Street, or the **Weekes** Branch Library, 27300 Patrick Avenue.

DATED: July 15, 2000

ANGELINA REYES
CITY CLERK OF THE
CITY OF HAYWARD